

PROB 12A
(7/93)

UNITED STATES DISTRICT COURT
for
Western District of Texas

Report on Offender Under Supervision

Name of Offender: Sean Andrew McQuigg

Case Number: A-09-CR-261(01)-JRN

Name of Sentencing Judicial Officer: Honorable James R. Nowlin, United States District Judge

Date of Original Sentence: December 3, 2009

Original Offense: Possession of Child Pornography, in violation 18 U.S.C. § 2252A

Original Sentence: 120 months imprisonment followed by fifteen (15) years of supervised release, Special Conditions: sex offender registration, sex offender or mental health treatment, lifestyle restrictions by therapist, shall not associate with children except in the presence of and adult designated in writing by the probation officer, shall reside in a residence approved in advance, no residence within 1,000 feet of a school or youth center, no sexually oriented materials, no photographic or video equipment, computer monitoring, search, alcohol treatment to include drug and alcohol testing, and \$100 special assessment (satisfied)

Type of Supervision: Supervised Release

Date Supervision Commenced: August 17, 2018

Assistant U.S. Attorney: Matthew B. Devlin

Defense Attorney: Anthony B. Cantrell (ret.)

PREVIOUS COURT ACTION

On August 14, 2018, a Request for Modifying the Conditions or Term of Supervision with Consent of the Offender (12B) was filed ordering McQuigg to reside in a residential reentry center for a term of 180 days. The Court approved the modification as submitted.

On October 15, 2019, a Report on Offender Under Supervision (12A) was filed as the Court was advised of McQuigg's failure to participate in a sex offender treatment program as approved and directed by the probation officer. No action was recommended, and the Court concurred.

On April 6, 2020, a Request for Modifying the Conditions or Term of Supervision with Consent of the Offender (12B) was filed ordering McQuigg to abide by additional special conditions, including a search condition, and computer monitoring program including software, and physical computer searches.

On February 22, 2022, a Request for Modifying the Conditions or Term of Supervision with Consent of the Offender (12B) was filed ordering McQuigg to participate in substance abuse treatment.

NONCOMPLIANCE SUMMARY

Violation of Special Condition: “The defendant shall participate in a program approved by the U.S. Probation Office for treatment of alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.”

Violation of Mandatory Condition #2: “The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.”

Nature of Noncompliance: On January 27, 2022, McQuigg submitted a positive urine screen for methamphetamine and methylenedioxymethamphetamine (MDMA). On January 31, 2022, McQuigg admitted verbally and in writing to using the controlled substance. McQuigg admitted to having used on multiple occasions and signed a Waiver of Hearing (Prob 49) consenting to the addition of a special condition for substance abuse treatment. On February 18, 2022, laboratory testing confirmed the presence of methamphetamine only.

Violation of Special Condition: " The defendant shall participate in a program approved by the United States Probation Office for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay."

Nature of Noncompliance: On March 10, 2022, McQuigg submitted a second positive urine screen for methamphetamine. On March 27, 2022, McQuigg verbally admitted to having used on or about March 10, 2022. This result was confirmed by laboratory testing on April 4, 2022.

On March 17, 23, and 28, 2022, McQuigg failed to report for scheduled urinalysis via the Comply phone system.

U.S. Probation Officer Action:

Contact was made with McQuigg, and he admitted to using methamphetamine again on or about March 10, 2022. McQuigg was issued verbal and written reprimands for his drug usage. To date, Mr. McQuigg has had at least two separate instances of drug use in the past year. McQuigg acknowledges his need for treatment and counseling. He is currently participating in substance abuse treatment sessions at Hill Country Counseling – Kearley & Schmitt. McQuigg has been informed that continued drug usage will result in a request for court action, and he may be subject to mandatory revocation per statute.


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No action is requested from the Court at this time. The probation officer will monitor Mr. McQuigg's sobriety via random urinalysis as well as continued monitoring of his progress in substance abuse treatment.

Respectfully submitted,



Craig A. Handy
Supervising U.S. Probation Officer



Brian Smith
U.S. Probation Officer

Date: 04/12/2022

THE COURT ORDERS:

- ☒ No Action
☐ The Extension of Supervision as Noted Above.
☐ The Modification of Conditions as Noted Above.
☐ Other



Honorable Susan Hightower
United States Magistrate Judge

Date: April 14, 2022